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3. The Examiner contends that it is not clear what is encompassed by the term "human-type." The Examiner recommends removing the term "type" from the claims.

Without acquiescing in the rejection, claims 12 and 13 have been amended as recommended by the Examiner. Thus, this § 112, second paragraph, rejection is moot.

Also, the Examiner noted that it was not clear on the record whether the characteristics recited in claims 4 and 5 of U.S. Patent No. 5,532,215 to Lezdey et al. (the Lezdey patent) are shared by the proteins presently disclosed. It is also unclear to the undersigned if such characteristics are shared by the proteins that are disclosed in the present application. The undersigned suggests that any interference that is set up, however, should include all of the claims of the Lezdey patent (claims 1 to 5), since in such an interference, Lezdey would have the ability to try to establish that such claims are directed to a separately patentable invention from the invention of claims 12 and 13 of the present application. The issue is whether any claims of the Lezdey patent are separately patentable from claims 12 and 13 of the present application, rather than whether any claims of the Lezdey patent include features not particularly disclosed by the present application.

Applicants also point out that claims 12 and 13 of the present application are entitled to the September 9, 1992, filing date of the initial parent application Serial No. 07/943,369 (the '369 application). That application discloses a method for the inhibition of retroviral proliferation which comprises treating a patient with a composition

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containing an antiretroviral effective amount of a human serine protease inhibitor comprising a secretory leukocyte protease inhibitor (SLPI). That application also includes *in vitro* data that shows inhibition of viral replication. See Examples 1, 2, and 3 of the '369 application.

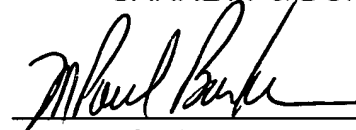
Also, claims 12 and 13 of the present application are entitled to the September 9, 1993, filing date of the parent Patent Cooperation Treaty Application No. PCT/US93/08486, which designated the United States (Publication No. WO 94/06454), and the March 9, 1995, filing date of the parent United States Patent Application Serial No. 08/209,040. Both of those applications disclose a method for the inhibition of retroviral proliferation which comprises treating a patient with a composition containing an antiretroviral effective amount of a human serine protease inhibitor comprising a secretory leukocyte protease inhibitor (SLPI). Also, both of those applications include Examples 1, 2, and 3 of the '369 application and include additional disclosure as well.

Applicants also point out the first page of Lezdey shows that it issued from an application filed October 3, 1994, which is indicated to be a continuation-in-part of an application filed September 30, 1992, and a continuation of an application filed September 15, 1993. Thus, the contents of each of the three Lezdey applications should be considered to determine the date to which any involved Lezdey claims are entitled.

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If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 06-0916. If a further petition and/or fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

A handwritten signature in cursive script, appearing to read "M. Paul Barker", is written over a horizontal line.

M. Paul Barker
Registration No. 32,013

Dated: June 1, 1998